DEPARTMENT OF THE NAVY
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
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July 30, 2004

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Dear BCT members:

Enclosure (1) is the Responses to Agency Comments on the Draft Final Finding of Suitability to Transfer for Parcel A (Revision 2), Hunters Point Shipyard.

Should you have any concerns with this matter, please contact Mr. Jose Payne, Remedial Project Manager at (619) 532-0962 or Mr. Keith Forman at (619) 532-0913.

Sincerely,

G. Patrick Brooks

G. PATRICK BROOKS
Lead Remedial Project Manager
By direction of the Commander

Enclosure (1) Responses to Agency Comments on the Draft Final Finding of Suitability to Transfer for Parcel A (Revision 2), Hunters Point Shipyard, July 30, 2004

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CONTENTS

ACRONYMS AND ABBREVIATIONS

§	Section
µg/kg	Micrograms per kilogram
µg/L	Micrograms per liter
ABM	Abrasive blast material
CAD	Computer-aided drawing
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	*Code of Federal Regulations*
CLP	Contract Laboratory Procedure
DoD	U.S. Department of Defense
DTSC	California Department of Toxic Substances Control
EBS	Environmental baseline survey
ECD	Electron capture detector
EPA	U.S. Environmental Protection Agency
FFA	Federal Facilities Agreement
FOST	Finding of suitability to transfer
FR	Federal Register
GC/MS	Gas chromatography/mass spectrometry
GMP	Gas monitoring probe
HHRA	Human health risk assessment
HLA	Harding Lawson Associates
HPAL	Hunters Point ambient level
HPS	Hunters Point Shipyard
IR	Installation Restoration
JAI	Jerrold Avenue Investigation
LBP	Lead-based paint
MARSSIM	Multi-Agency Radiation Survey and Site Investigation Manual
MCPA	4-chloro-2-methylphenoxy acetic acid
MCPP	2-(2-methyl-4-chlorophenoxy)-propionic acid
Navy	U.S. Department of the Navy
NCP	National Oil and Hazardous Substances Pollution Contingency Plan

ACRONYMS AND ABBREVIATIONS (Continued)

PCB	Polychlorinated biphenyl
PRG	Preliminary remediation goal
RI	Remedial investigation
ROD	Record of decision
RWQCB	California Regional Water Quality Control Board
SIM	Selective ion monitoring
SVOC	Semivolatile organic compound
TCLP	Toxicity characteristic leaching procedure
TPH	Total petroleum hydrocarbons
USC	*United States Code*
VOC	Volatile organic compound

RESPONSES TO REGULATORY AGENCY COMMENTS ON THE DRAFT FINAL FINDING OF SUITABILITY TO TRANSFER FOR PARCEL A (REVISION 2) HUNTERS POINT SHIPYARD, SAN FRANCISCO, CALIFORNIA

This document presents the U.S. Department of the Navy's (Navy) responses to comments from staff at the U.S. Environmental Protection Agency (EPA); the California Department of Toxic Substances Control (DTSC); the California Regional Water Quality Control Board (RWQCB); the City and County of San Francisco, Department of Health, Hazardous Waste Unit (City); Dr. Ahimsa Porter Sumchai (member of the public); and Arc Ecology on the "Draft Final Finding of Suitability to Transfer [FOST] for Parcel A (Revision 2), Hunters Point Shipyard [HPS], San Francisco, California," dated March 19, 2004. The comments addressed below were received from EPA, DTSC, and Arc Ecology on May 24, 2004, and from the City, Dr. Sumchai, and RWQCB on May 25, 2004.

RESPONSES TO EPA COMMENTS

1. **Comment:** Section 6: **This text should be modified to replace the references to "hazardous materials" and "waste" with consistent references to "hazardous substances". The Notice provisions of 120(h)(3) are triggered by storage of hazardous substances regardless of whether the material belonged to the Navy or to its tenant. It is not clear from the information in Tables 6 and 7 how the Navy can assert that there were no hazardous substances stored on the parcel in excess of their reportable quantity. More importantly, Section 6 ignores the obligation to provide notice in the deed of response actions taken on the parcel. The information in the table describing the materials excavated is adequate, but the notice must be included in the deed.**

   Response: The text in Section 6.0 and Tables 7 and 8 has been revised to replace references to "hazardous materials" and "hazardous waste" with the term "hazardous substances."

   The Navy's position is that the notice requirements are not triggered at Parcel A based both on its own activities and on activities of its tenants. Title 40 *Code of Federal Regulations* (CFR) Sections (§§) 373.1 and 373.2 require notice only when hazardous substances are, or have been, stored in quantities greater than or equal to 1,000 kilograms or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) reportable quantity. Under this section, reporting the storage of hazardous substances will be required only when the larger of either 1,000 kilograms or the reportable quantity is stored for a period of 1 entire year. (See also Volume 55 of the *Federal Register* [FR], page 14208.)

Furthermore, the Navy is required to provide notice for the known release of hazardous substances only when hazardous substances are or have been released in quantities greater than or equal to the substance's CERCLA reportable quantity. There is no record of a release of a hazardous substance by the Navy or its tenants at a level that would trigger the hazardous substance notification requirement.

Finally, EPA has not promulgated a trigger for reporting disposal of hazardous substances.

The Navy has conducted a complete search of its files and has not found any evidence that hazardous substances were stored in excess of 1,000 kilograms or the CERCLA reportable quantity. Similarly, the Navy has found no evidence that any hazardous substance was released in excess of its CERCLA reportable quantity. No definition exists for a "complete search" of the agency's files. The FR concedes that EPA would have difficulty providing an effective yet reasonable framework in the regulation for a "complete search" (55 FR 14208). In the FR, EPA states its anticipation that federal agencies will exert a reasonable and good-faith effort to identify potential contamination by hazardous substances on federally owned property. The Navy has exerted a reasonable and good-faith effort in compliance with CERCLA §120(h) and 40 CFR Parts 373.1-373.3.

Finally, notice in the deed is required only if the triggers described in this response for storage or disposal are met. Section 7.0 of the FOST explains that the deed will contain the covenant required by §120(h)(3) of CERCLA, which warrants that all remedial action necessary to protect human health and the environment has been taken.

2. **Comment:** **<u>Section 7</u>: In accordance with the FFA, the access provision should include EPA and State access as well as the Navy.**

Response: The access provision in the Federal Facility Agreement (FFA) applies to remedial activities at HPS and to 5-year reviews if remedies are required; however, no remedies apply to Parcel A. This parcel required no further action, as documented in the record of decision (ROD). The Navy will comply with the provisions of Section 25.7 of the FFA if access is required for addressing unknown contamination in the future. This section of the FFA states:

"To the extent the activities pursuant to this Agreement must be carried out on other than Navy property, the Navy shall use its best efforts, including its authority under CERCLA section 104, to obtain access agreements from the owners which shall provide reasonable access for the Navy, the EPA, the State, and their representatives. The Navy may request the assistance of the State in obtaining such access, and upon such

request, the State will use its best efforts to obtain the required access. In the event that the Navy is unable to obtain such access agreements, the Navy shall promptly notify EPA and the State."

The access provision described in Section 7.0 of the FOST is a direct citation from Title 42 *United States Code* (USC) §9620(h)(3) and is standard language used in Navy FOSTs and deeds.

3. **Comment:** **Building 322: As of this writing, EPA has not seen the results of the recent radiological survey conducted by the Navy for Building 322 or the associated footprint. However, EPA is assuming that once such information is available we will be able to conclude that Parcel A is safe for transfer.**

Response: Final results of the radiological survey at Building 322, including the California Department of Health Services' evaluation for release for unrestricted use of the former building site, will be incorporated into the revised Draft Final FOST, Revision 3.

4. **Comment:** **Section 5.2.1, Polychlorinated Biphenyls, Page 19: This section discusses the possibility of polychlorinated biphenyl (PCB) contamination in relation to transformers, oil circuit breakers, and electrical equipment but does not include a discussion of the potential for PCB-containing light ballasts within Parcel A. The construction dates for the residential buildings predate 1979 and light ballasts in facilities constructed prior to 1979 could contain PCB oils, unless the facility has undergone light retrofitting. In the next version of this document please include a discussion of the light ballasts, and if a systematic light retrofitting program has not been completed, include notification that PCB-containing light ballasts may exist.**

Response: A new sentence has been added to the end of the second paragraph of Section 5.2.1 that states, "Construction of the residential buildings predates 1979. Light ballasts in facilities constructed prior to 1979 could contain PCB [polychlorinated biphenyls] oils, unless the facility has undergone retrofitting. The Navy has no record of a light retrofitting program conducted within Parcel A; therefore, light ballasts containing PCBs may exist within the buildings in Parcel A."

5. **Comment:** **Section 5.2 and Table 6: Soil excavated from sites SI-19 and IR-59 JAI was identified in the Parcel A Remedial Investigation (PRC 1995a) as including sandblast grit. One brand of grit that was used at the Shipyard is manufactured from coal slag which sometimes contains low levels of naturally occurring radionuclides. It is possible for the grit production process to concentrate the**

radioactivity resulting in sandblast grit with elevated radiation levels. However, Navy testing has shown the radiation levels associated with this grit on the Shipyard to be within health protective levels. Pursuant to FOST guidance and for the sake of completeness, the Parcel A FOST should list all CERCLA hazardous substances that have been found within the parcel, and should include radionuclides. Please revise Section 5.2 and Table 6 accordingly.

Response: Radionuclides that have been found at Parcel A will be referenced in the revised FOST, with an explanation that they represent background concentrations and not a contaminant release.

Sandblast grit excavated from the Installation Restoration (IR) Site 59 Jerrold Avenue Investigation (JAI) was not analyzed for radioactivity. The sample was analyzed for contract laboratory program (CLP) semivolatile organic compounds (SVOC), CLP pesticides and PCBs, total petroleum hydrocarbons (TPH) as diesel fuel and as motor oil, and metals. A new Section 5.2.3.3, Radionuclides, has been added as follows:

"Section 5.2.3.3 Radionuclides

"The black sandblast grit excavated from IR-59 JAI was not analyzed for radioactivity, but was analyzed for CLP SVOCs, CLP pesticides and PCBs, TPH as diesel fuel and as motor oil, and metals.

The grit was excavated until confirmation samples collected from the excavation area contained minimal concentrations of any chemicals of concern. A composited sample of black sand blast grit collected from Parcel B was analyzed for evidence of naturally occurring radioactivity such as might be present in some abrasive blast materials (ABM). The sample was also analyzed for evidence of radioactivity that might be residual from cleanup of Operations Crossroads ships. The Navy confirmed (RASO letter 6470, Serial 02E/991539/0707 of 20 October 1999) absence of radiological hazard associated with the sandblast grit."

In addition, a new row has been added to Table 6 as follows:

Site Description	SI Designation	Constituents Detected During Site Investigations	Risk Assessment Results
Jerrold Avenue Investigation	IR-59JAI	Pesticides SVOCs Petroleum Hydrocarbons Metals	Soils characterized during the investigation by excavation were replaced with clean soil. Soils remaining do not pose a threat to human health or the environment.

RESPONSES TO DTSC COMMENTS

1. **Comment:** **Section 2.0 Property Description, page 6, first paragraph: Moving sections of Parcel A into Parcels B, C, D and E raises some questions as to what processes will govern the future decisions for these properties. These properties have already gone through the CERCLA process and have been delisted from Superfund. However, it is DTSC's understanding that by placing these properties in Parcels B, C, D, and E these properties are no longer available for transfer and will require the completion of the CERCLA process for these parcels. Also, please explain what legal process will formalize the movement of properties from Parcel A to Parcels B, C, D, and E.**

   Response: The boundary of Parcel A has been altered in a series of FOST revisions to exclude areas with potential contamination and to minimize delays in the transfer of Parcel A. Those areas excluded are now incorporated in Parcels B, C, D, and E. They will undergo different processes to achieve regulatory closure, depending on the status of the receiving parcels. In addition to letters written to the regulatory agencies from the Base Realignment and Closure Environmental Coordinator that documents changes in parcel boundaries, areas moved from Parcel A to Parcel B in 2002, draft FOST Revision 2, will be formalized within the boundary of Parcel B in an amended ROD. Areas moved from Parcel A to Parcels C, D, and E in 1998 and 2004, draft FOST Revisions 00 and 01, will be formalized within the boundaries of each parcel in future CERCLA documents.

2. **Comment:** **Section 2.0 Property Description: The level of detail provided on the Parcel A maps and the numerous errors on Figure 3 (see comment 4 below) requires DTSC to again request that the FOST include a legal description with plats, of the Parcel A boundary.**

   Response: Figures have been amended to display all appropriate features, as is further discussed in the responses to DTSC comments below. Navy policy is to use a map in FOST documents to describe the boundary of the parcel and to incorporate legal descriptions of the boundary in the deed after the FOST is issued.

3. **Comment:** **Section 2.0 Property Description: The text states that, "Currently, 64 buildings are present on Parcel A..." However, 70 buildings are shown on Figure 2. Also, the number of buildings on FOST Figure 2 does not agree with the number of buildings shown on ROD Figure 3: for example, three additional buildings in Parcel A West are shown on ROD Figure 3 and Building 818 is not shown. Please clarify the number of buildings that are included in this FOST (and which are on Parcel A).**

Response: Buildings shown on Figure 2 of the FOST match those shown on Figure 3 of the ROD, except for small structures north of Building 817A and west of Building 816 in Parcel A West, which are not shown on Figure 2 of the FOST. Based on interpretation of recent aerial photographs, Figure 2 of the FOST has been revised to show only two buildings, 817A and 816, in Parcel A West. In addition, the number of buildings in the text in Section 2.0 has been revised to refer to a total of 70 buildings located within Parcel A, including the water tank but excluding Building 818.

4. **Comment:** **<u>Figure 3, HPS Subparcel Units and IR Sites</u>: Please clean up the map shown in Figure 3. There are many discrepancies between FOST figures 2 and 3 and between the Parcel A ROD and FOST figures with respect to the Parcel A boundary. For example, the yellow area that shows the extent of Parcel A spills onto non-Navy property and may cause confusion as to the extent of Parcel A. Also, Figure 3 shows a portion of IR-18 as present in Subparcel N3A.**

Response: The "yellow area" that spills "onto non-Navy property" is actually included in Parcel A and correctly represents Parcel A. The boundary of Parcel A that contains the subject areas is contiguous with property that is not owned by the Navy, as is shown on Figure 3. This portion of the boundary of Parcel A was delineated directly from legal descriptions and is correct. The boundaries of the environmental baseline survey (EBS) subparcels were established during the original EBS at HPS based on computer-aided design (CAD) drawings of the base that were available when the EBS was prepared. These boundaries were slightly inaccurate. These inaccuracies resulted in the minor differences between the extent of the EBS subparcels and the footprint of Parcel A, as noted by the DTSC comment. Accordingly, the boundaries for EBS subparcels N1A, S46A, and H48A—shown on Figure 3 of the FOST—have been revised to be contiguous with the Parcel A boundary. In addition, the following text has been added at the end of Section 2.0, page 6:

"In addition, boundaries of EBS subparcels N1A, S46A, and H48A have been revised, as shown in Figure 3, to eliminate the minor discrepancies between EBS subparcel boundaries and the Parcel A boundary. Small areas of Parcel A have been shown outside of EBS subparcel boundaries, because those boundaries were established during the original EBS based on computer-aided design (CAD) drawings of the base, while the Parcel A boundary was delineated directly from legal descriptions. Since the boundary of Parcel A accurately represents the actual extent of Navy owned property, EBS subparcel boundaries were revised to be contiguous with the Parcel A boundary."

In addition, the southeast boundary of IR-18 has been revised to be contiguous with the boundaries of N3A and N3B.

5. **Comment:** **<u>Section 5.0 Environmental Baseline Survey Findings</u>: The creation of the sub-subparcel causes confusion. Some of the subparcels as currently defined include portions of two or more parcels. In some cases this leads to an overall Parcel Category (see Table 4) that precludes transfer of that property, while the subparcel is available for transfer. For example subparcel N-17 also includes property on Parcels B and C. The overall ECP classification for the subparcel is 7 (i.e., not available for transfer); however, the sub-subparcel N-17-A has an ECP classification of 2. In order to reduce confusion and simplify the process, DTSC recommends that the Navy limit Environmental Condition of Property categorization to smallest subparcel unit. We understand the need to track the evolution of the parcels and believe Table 4 can be modified to explain the subparcel history in a much clearer manner.**

Response: The Navy concurs with the DTSC recommendation. EBS subparcels outside of Parcel A are no longer discussed in Table 4 of the revised FOST. Moreover, the discussion of overall parcel classifications was also deleted.

6. **Comment:** **<u>Section 5.1.3, Radioactive Contaminants</u>: Since the release of the draft, final FOST Building 322 has been identified as a radiologically impacted building. The draft final Historical Radiological Assessment (February 2004) identified Building 322 as impacted, demolished and previously located on Parcel D. DTSC will not be able to concur on the Parcel A FOST until all radiological issues with this building have been addressed and until the California Department of Health Services releases the building or its location for unrestricted use.**

Response: Final results of the radiological survey at Building 322, including the California Department of Health Services' evaluation for release for unrestricted use of the former building site, will be incorporated into the revised Draft Final FOST, Revision 3.

7. **Comment:** **<u>Section 5.1.3.2 Building 821</u>: Please include a statement regarding the results of swipe samples collected from 16 locations throughout Building 821.**

Response: The following sentence has been added after the second paragraph, fourth sentence, in Section 5.1.3.2: "The swipe surveys performed by New World Technology beginning in 2002 included alpha and beta analysis of dry wipes collected from various areas in Building 821."

8. **Comment:** **Section 5.1.5, Off-Parcel Issues: Please include a discussion of IR-74 the Formally Used Defense Site adjacent to Parcel A. The discussion should at least address the following issues. The site has not been investigated and the occurrence of soil or groundwater contamination is unknown. A former gas station was located at IR-74. Soil gas monitoring near IR-74 has detected low levels VOC in gas monitoring probes and trichloroethylene (TCE) at 3 µg/L and 2 µg/L has been detected in groundwater in monitoring well IR74MW01A on Crisp Avenue near Building 821. This level of TCE in groundwater may present an inhalation risk inside a structure; however, a risk assessment has not been completed. The source of the VOCs in soil and groundwater has not been identified.**

Response: A new paragraph has been added at the end of Section 5.1.5, as follows: "IR-74 is a Formerly Used Defense Site adjacent to Parcel A. A former gas station was located at IR-74. Soil-gas monitoring near IR-74 detected low levels of volatile organic compounds (VOC) in gas monitoring probes, and trichloroethene (TCE) has been detected in groundwater at 3 µg/L [micrograms per liter] and 2 µg/L in monitoring well IR74MW01A on Crisp Avenue near Building 821. During the Parcel E remedial investigation (RI), a human health risk assessment (HHRA) was conducted under the current industrial, future residential, and future industrial land-use scenarios at IR-56. Risks from VOCs originating in A-aquifer groundwater were determined insignificant under all of the scenarios. VOCs were not detected in soil-gas samples collected at IR-74. Also, groundwater flows toward the southeast—away from Parcel A. Thus, VOCs found around IR-74 are not expected to pose unacceptable risks in Parcel A."

9. **Comment:** **Section 5.1.5, Off-Parcel Issues: Please discuss the soil excavation at IR-18. In some cases excavations at IR-18 ended at the parcel boundary. Further, remediation at other IR-18 excavations near the Parcel A boundary was halted prior to the full removal of contamination and therefore the extent of contamination has not been determined. Because of this, DTSC request that Figure 3 show the locations of IR-18 excavations.**

Response: The excavation in IR-18 is discussed in Section 2.0, Property Description. Full characterization and removal were completed in this area. No excavations at IR-18 were halted at the boundary between Parcels A and B. Excavations were not extended into non-Navy property northwest of Parcel B. Figure 3 has been revised to show locations of excavations at IR-18.

10. **Comment:** **<u>Section 5.1.5, Off-Parcel Issues</u>: Please show the location of IR-52 and SI-77 (adjacent to Building 813) on Figure 3.**

Response: IR-52 and SI-77 have been incorporated into Figure 3.

11. **Comment:** **<u>Section 5.1.5, Off-Parcel Issues</u>: Please add to the discussion of VOC soil gas that annual laboratory analysis of VOC soil gas will be included in future monitoring along Crisp Avenue.**

Response: Section 5.1.5 has been revised to add a new sentence to the end of the next-to-last paragraph that states, "VOCs in soil gas for samples from the Crisp Avenue GMPs [gas monitoring probes] will be analyzed annually by a laboratory, and the results will be incorporated in the long-term monitoring plan for the HPS landfill."

12. **Comment:** **<u>Section 5.2.1. Polychlorinated Biphenyls</u>: Please ensure that the figure E1, Utilities Technical Study, Phase 2 Oil Containing Electrical Equipment Location Plan 1 from the October 19, 1990 report entitled, "Preliminary Assessment Other Areas/Utilities Naval Station, Treasure Island Annex, Volume II: Appendices" has been reviewed in preparation of this FOST. Some transformers on that figure (E1) do not appear on figure 4 of the FOST. Some examples include: an oil transformer at Building 101, two pole mounted transformers on Donahue Street and another pole mounted transformer at the south west end of Fredell Street.**

Response: Several sources have been reviewed to identify transformer sites in Parcel A. They include the basewide EBS (Tetra Tech EM Inc. [Tetra Tech] 1998), the Parcel A site investigation report (PRC Environmental Management, Inc. [PRC] 1993), and Figure E1, Utilities Technical Study, Phase 2 Oil Containing Electrical Equipment Location Plan 1, from the October 19, 1990, report, "Preliminary Assessment Other Areas/Utilities Naval Station, Treasure Island Annex, Volume II: Appendices" (Harding Lawson Associates [HLA] 1990). Test results for the oil-containing electrical equipment appear in Tables 4-1 and 4-2 of Appendix D in the preliminary assessment report (HLA 1990). Two pad-mounted transformers east of Building 100, labeled as V4 and V5, are non-PCB-containing equipment. One pole-mounted transformer on Donahue Street, labeled P400, is non-PCB equipment. Another pole-mounted transformer is located outside of Parcel A. Test results for two oil switches and two oil fuse cutouts located at Building 101—labeled GH116, GH119, GH117, and GH118—are all non-PCB bearing. Thus, the FOST should not present these items as transformer sites. Locations of other oil-containing electric equipment are consistently depicted in Figure E1 of the preliminary assessment report and Figure 4 of the FOST.

13. **Comment:** **<u>Section 5.2.3. Petroleum-Related Compounds</u>: Please reference Figure 5 and the monitoring well(s) that petroleum was detected at 600 µg/L and 130 µg/L.**

Response: Figure 5 has been revised to clarify detection of petroleum at 600 µg/L in a sample from well IR59MW06F, and at 130 µg/L in a sample from well IR59MW01F. In addition, the first paragraph of Section 5.2.3, Petroleum-Related Compounds, has been revised as follows:

"During the RI for IR-59—the groundwater underlying Parcel A—TPH extractable as motor oil was detected in groundwater at concentrations of 600 µg/L or less (PRC 1995a) (Figure 5). Seven monitoring wells (and five other grab sampling locations) were sampled in Parcel A for analysis of motor oil. Twenty-three samples were collected in groundwater, all in IR-59, except for several near Parcel B. Most of the samples were collected in 1994; the earliest was in September 1993 and the latest was in March 1995. Roughly three quarters of the samples evidenced no detectable motor oil concentrations. The highest concentration of TPH extractable as motor oil detected was 66,000 µg/L in a grab groundwater sample from a boring. However, this concentration was detected before the well was installed and fully developed and is not considered representative of actual level of TPH in groundwater. Once the boring was completed and developed as a monitoring well, motor oil was detected once, at a concentration of 130 µg/L."

14. **Comment:** **<u>Section 5.2.3. Petroleum-Related Compounds, second paragraph</u>: Please specify the State entity that agreed that no further investigation, remediation, or monitoring of the groundwater at Parcel A is required for petroleum related compounds.**

Response: The text of the Section 5.2.3, Petroleum-Related Compounds, second paragraph, second sentence from the last, has been revised as follows:

"The U.S. Environmental Protection Agency (EPA) and the California Environmental Protection Agency (Cal/EPA) concurred with the conclusion that no further action is required for groundwater at Parcel A."

15. **Comment:** **<u>Section 5.3.2, Lead-Based Paint</u>: As with all other military base transfers, the Navy cites Title X as legal authority it adheres to for investigation lead based paint issues. However, DTSC does not agree with that policy. It is DTSC's position that releases of lead to the soil is a CERCLA release and that CERCLA section 120 requires that the Navy, in this case, covenant that all remedial action necessary to protect human health and the environment has been taken.**

Response: The Navy understands DTSC's position; however, the Department of Defense (DoD) and the Navy have concluded that, with respect to properties containing target housing, the Residential Lead-Based Paint Hazard Reduction Act, Title X, that amends the Lead-Based Paint Poisoning Prevention Act and the Toxic Substances Control Act (Title 42 USC 2681) are sufficiently protective to address hazards posed by lead-based paint (LBP). Although not a CERCLA response action, the restriction contained within the referenced section forms the basis, in part, for the Navy's finding that the property is suitable for transfer with respect to LBP issues. The Navy's use of Title X in lieu of CERCLA is consistent with DoD policy and with numerous similar transfers throughout the United States. The DTSC comment will be appended to the final FOST as an unresolved comment.

16. **Comment:** <u>Section 5.3.2, Lead-Based Paint</u>: **The Deed Restriction requires that the grantee shall conduct lead soil sampling and remediation after demolition and removal of demolition debris and prior to occupation of any newly constructed dwellings. Structures that are not dwellings, such as the water tank, should be included in the definition of structure. Also, DTSC recommends that the deed restriction apply to previously demolished structures.**

Response: The wording of this deed restriction contains standard language used by the Navy in FOSTs and is sufficient to protect the public; therefore, the deed restriction has not been changed. The deed restriction applies to the entire parcel and, therefore, to areas where buildings have been demolished or where water tanks were present. The restriction requires action in any case where dwelling units would be constructed in the future.

17. **Comment:** <u>Section 6.0, Notice of Hazardous Substances</u>: **The Navy makes the statement that CERCLA reportable quantities have not been exceeded on Parcel A. However, the text also states that no information on the quantities or length of time hazardous substances was stored on Parcel A is available. In the absence of specific information on quantities of hazardous materials, DTSC request that a hazardous notification be included in the FOST.**

Response: Notification is not required when information is unavailable on quantities or length of time hazardous substances were stored. The Navy has conducted a diligent, reasonable, and complete search of its files, and has found no evidence of storage or release of a CERCLA hazardous substance at levels that would trigger notice. As EPA explained in 55 FR 14208, it was difficult to provide an effective and reasonable framework

for defining a "complete search." Therefore, EPA rejected its original definition. EPA instead stated its anticipation that federal agencies will exert a reasonable and good-faith effort to identify potential contamination by hazardous substances on federally owned real property. The Navy has complied with this requirement. Also refer to the response to EPA comment 1.

18. **Comment:** **Section 7.0 Additional Deed Contents, Covenant: As per the statute cited, the phrase "Real Estate" should be changed to "real property."**

Response: The phrase "Real Estate" was changed to "real property."

19. **Comment:** **Figure 2: Please include/label the following buildings (some of which are listed on Table 1): Building 158, R-66A garage, R-105, T garage, small unnumbered building adjacent to R-107, small unnumbered buildings adjacent to D and E, unnumbered building in H53, two small unnumbered buildings west of Building 821, and one small unnumbered building west of Building 901.**

Response: Figure 2 has been revised to include Buildings 158 and R-105 and labels for R-66A garage, R-105, and T garage. In addition, small buildings adjacent to R-107, D and E, Building 821, and Building 901 have been labeled as "unnumbered." No unnumbered building is in H53, but one small building in H52 has been labeled as "unnumbered."

20. **Comment:** **Figure 4: Please include the date of the aerial photograph.**

Response: The date of the photograph (2000) has been included in the revised FOST, Table 1.

21. **Comment:** **Table 1: Please include the following structures (which are shown on Figure 2):**

   a. **Buildings 904, 906, 909, 917, R-106, small unnumbered building adjacent to R-107, small unnumbered buildings adjacent to D and E, two small unnumbered buildings west of Building 821, and one small unnumbered building west of Building 901.**

   b. **Demolished buildings should be indicated on tables and identified as such (e.g., by "(d)" as in Table 2).**

   c. **The subparcel designation for Buildings F, 102 and 901 should be HOS-A to be consistent with Figure 3.**

Response: a. Table 1 has been revised to add the following rows:

Building No.	Subparcel	Past Navy Use	Current Navy Use	Current Tenant
904 (d)	H53	Green House – Glass	n/a	n/a
906 (d)	H53	Gardening tool house	n/a	n/a
909	H54	Garages – 2 cars	None	None
917 (d)	N1A	Grocery Store	n/a	n/a
R-106	H59	Civilian Quarters	None	Unknown
Unnumbered	H49	Unknown	None	None
Unnumbered	HOS-A	Unknown	None	None
Unnumbered	HOS-A	Unknown	None	None
Unnumbered	H50	Unknown	None	None
Unnumbered	S46A	Unknown	None	None

b. Demolished buildings have been marked with (d), as shown in the table above, and a note has been added to Table 1 as follows:

"(d) Building demolished"

c. The subparcel designation for Building F has been changed to HOS-A.

22. **Comment:** <u>Table 2</u>:

a. Include transformer sites in S46A, H49, H53, H57 and electrical substations.

b. H-49. Include R-106 and the building (Figure 2) adjacent to R-107. Also: R-105 is not shown/labeled on Figure 2.

c. H-50. Include small building adjacent to E.

d. H-51. Building 158 is not shown on Figure 2.

e. H-53. Unnumbered residence not shown on Figure 2.

f. H-54. R-66A and T garages are not labeled on Figure 2.

g. HOS-A. The subparcel designation for Buildings F, 102 and 901 should be HOS-A (not H-OS) to be consistent with Figure 3.

h. N-1. The subparcel designation for Buildings 19, 917 and 100 should be N1A (not N-1) to be consistent with Figure 3.

i. N-3. The subparcel designation for Building 916 should be N3A (not N-3) to be consistent with Figure 3.

j. N-17. The subparcel designation for Buildings 101 and 110 should be N17A (not N-3) to be consistent with Figure 3.

k. S-46. The subparcel designation for Buildings S-807, 808, 821 and two unnumbered buildings west of Building 821 should be S46A (not S-46) to be consistent with Figure 3.

Response:

a. A new column, Transformer Sites, has been added to Table 2 to identify subparcels with transformer sites, as shown in the table below.

b. The designations R-106 and "unnumbered building" have been added for H-49. Figure 2 has been revised to show R-105.

c. The designation "unnumbered building" has been added for H-50.

d. Figure 2 has been revised to show Building 158.

e. Figure 2 has been revised to show the unnumbered residence.

f. Figure 2 has been revised to show labels for R-66A and the T garages.

g. The subparcel designation for Buildings F, 102, and 901 has been changed to HOS-A.

h. The subparcel designation for Buildings 19, 917, and 100 has been changed to N-1A.

i. The subparcel designation for Building 916 has been changed to N-3A.

j. The subparcel designation for Buildings 101 and 110 has been changed to N-17A.

k. The subparcel designation for Buildings S-807, 808, 821, and unnumbered buildings has been changed to S-46A.

Subparcel	Building Numbers and Other Structures	IR/SI Sites	USTs	Transformer Sites
H-48A	816, 817A, 818	SI-41	None	No
H-49	L, M, R-100, R-105, R-106, R-107, unnumbered building	None	None	Yes
H-50	C, E, R-118, unnumbered building	None	None	No
H-51	158, 322, 915	None	None	No
H-52	A, R, S, unnumbered residence	None	None	No
H-53	904(d), 906(d), 907, A-2, B, N, O, R-95, water tank, unnumbered residence	IR-59 JAI, SI-43	None	Yes
H-54	909, G, J, K, R-14, R-33, R-36, R-36A, R-39, R-45, R-66A, R-66A Garage, R-76, R-77, R-78, R-97, T, T Garage, U, V, W, X, Y, Z	None	None	No
H-55	908, D, H, I, R-26	None	None	No
H-56	None	None	None	No
H-57	921	None	None	Yes
HOS-A	102, 901, F	SI-19	None	No
N-1A	19, 917(d), 100	None	None	No
N-3A	916	None	None	No
N-17A	101, 110	None	None	No
S-46A	S-807, 808, 821, two unnumbered buildings	None	None	Yes

23. **Comment:** Table 4: **DTSC recommends that this table discuss the ECP classification for subparcels in Parcel A only (see comment 5 above). Subparcels on Parcel B could be addressed within the discussion of off-parcel issues. The Navy may want to include related (not in Parcel A) subparcels (e.g. N-17 –B and N-17-C for N-17 A) and their ECP classification in a separate column on Table 4.**

Response: The discussion of overall parcel classifications was deleted. See response to DTSC comment 5.

24. **Comment:** Table 7:

a. **Please clarify whether all buildings (including 43 demolished buildings) were considered: Building 906 is the only demolished building considered.**

b. **Sources of information are identified for only 2 buildings. Please include sources of information for all buildings.**

c. **Please add the year to the date of the source documents.**

d. **For Building 322, please add the appropriate radiological materials.**

e. **For Building 808, please include small caliber munitions as "Hazardous Materials Stored".**

f. **Please add Electrical Substation F. Include PCBs as "Hazardous Materials Stored".**

Response:

a. During the Parcel A RI, foundations and other remnants of about 43 demolished structures were identified (PRC 1993). During the basewide EBS, all available data regarding the Navy's historical hazardous waste storage, generating, and disposal activities were considered and presented in Table 3-2A of the basewide EBS report (Tetra Tech 1998). Of the 12 buildings listed in Table 3-2A of the basewide EBS report, Building 906 was the only demolished building where hazardous wastes were generated in Parcel A. Table 7 has been revised to identify Building 906 as a demolished building by marking it with "(d)." In addition, a note has been added to Table 7 as follows: "(d) Building demolished."

b. As a note to Table 7, the EBS is referenced as a source.

c. The source reference has been revised to include the year 1998.

d. Once the radiological survey in Building 322 is completed, appropriate radiological information will be incorporated in Table 7.

e. "Small caliber munitions" has been added for Building 808 as hazardous materials stored.

f. A new row has been added to Table 7 as follows:

Building	Past Navy Use	Hazardous Materials Stored
Electrical Substation F	Electrical Substation	PCBs

25. **Comment:** **Attachment 3: On page 8, the page title is "Responses to RWQCB" but the comments are from the City. Have RWQCB comments been left out? Also, please include comments from DTSC after the US EPA's comments in this attachment.**

Response: This attachment has been replaced with a corrected document that properly labels the City comments and includes RWQCB comments and Navy responses.

26. **Comment:** **Attachment 4 and 5: Attachment 4 "Proposed Resolution of the Responses to Agency Comments..." (dated August 26, 2002) and Attachment 5 "Final Resolution of the Responses to Agency Comments..." appear to be identical. Significant events that occurred after August 2002 should be discussed in the proposed final resolution. Further, the regulatory agencies should participate in the development of and agree to the final resolution of agency comments.**

Response: This attachment was inadvertently included in the document and, as DTSC noted, is identical to Attachment 4. Attachment 5 was intended as a placeholder within the draft final FOST for Parcel A, Revision 2, and should have been blank. The draft final FOST for Parcel A, Revision 3, Attachment 5 has been revised to include these responses to comments.

RESPONSE TO RWQCB COMMENT

1. **Comment:** **Since the issuance of the Parcel A FOST (Revision 2) on March 19, 2004, the Navy provided the regulatory team (i.e., EPA, DTSC, and Water Board) and the Restoration Advisory Board with new information related to the environmental condition of Building 322. This new information suggests that Building 322 was once located on Parcel D where it was used by the Naval Radiological Defense Lab and relocated to Parcel A in 1959. The Navy is currently conducting a radiological survey of Building 322 and its slab foundation. It is staff's opinion that until the survey is completed and the results of the survey are provided to the appropriate regulatory agencies for their review and comment, that the environmental condition of Building 322 represents a data gap and the Parcel A FOST is not complete.**

   Response: Final results of the radiological survey at Building 322, including the California Department of Health Services' evaluation for release for unrestricted use of the former building site, will be incorporated into the revised Draft Final FOST, Revision 3.

RESPONSES TO CITY COMMENTS

1. **Comment:** **The extensive research and document review that the Navy conducted for the Historical Radiological Assessment (HRA) has contributed substantially to the information available on all radiological issues and particularly those related to Parcel A. The HRA identifies Building 813 and Building 819 and associated sewer lines as structures that warrant further radiological assessment. Changing the boundary of the Parcel A in this version of the FOST, due to the identification of these structures, is an indication of the significant efforts the Navy has taken to verify that no residual radiological contamination will be left at the site.**

   Response: Comment noted.

2. **Comment:** **Since the issuance of the FOST, the Navy has informed the regulators and public of new information pertaining to Building 322 on Parcel A. According to the Navy's records, Building 322 was once located on Parcel D where it was used by the Naval Radiological Defense Lab (NRDL). In 1959, after the NRDL use of the building was discontinued and the Navy had received regulatory clearance for the building, the wooden structure of the building was relocated to Parcel A. Our understanding is that the Navy is currently conducting a radiological survey of Building 322 and its slab foundation applying current regulatory standards. The Navy has informed us that preliminary results of the surveys have shown all readings to be within normal range. We also understand that the Navy will proceed in demolishing and removing the building from the site. The Parcel A FOST cannot be completed until radiological clearance of the Building 322 site is obtained from the appropriate regulatory agencies.**

   Response: Final results of the radiological survey at Building 322, including the California Department of Health Services' evaluation for release for unrestricted use of the former building site, will be incorporated into the revised Draft Final FOST, Revision 3.

3. **Comment:** **The City's other concern, expressed in previous comments, was related to the potential for landfill gases at the adjacent Parcel E landfill to affect Parcel A. Based on our review of information provided in this FOST and in ongoing updates from the Navy on the extensive extraction, monitoring, and testing work at the landfill and on the UCSF property, we now believe those landfill gas concerns have been resolved.**

   Response: Comment noted.

RESPONSES TO PUBLIC COMMENTS FROM DR. AHIMSA PORTER SUMCHAI

1. **Comment:** **The Navy issued Revision 1 of the basewide Environmental Baseline Survey on September 4, 1998. The basewide EBS classifies the installation property in accordance with the DoD's environmental condition of property (ECP) Area Type Categories.**

   Area 4 is defined as an area where release, disposal and/or migration of hazardous substances has occurred, and all remedial actions necessary to protect human health and the environment have been taken. Area Type 6 is defined as areas where release, disposal, and or migration of hazardous substances has occurred, but required actions have not yet been implemented. Area Type is defined as unevaluated areas or areas requiring additional evaluation.

   The Parcel A FOST identifies six of the fifteen subparcels on Parcel A to be ECP Area Type category 6 or 7. Please explain how unevaluated ECP 7 areas in Parcel A can be designated suitable for transfer under current DoD guidelines.

   Response: The discussion of overall parcel classifications was deleted within the text and tables to clarify the document. No unevaluated environmental condition of property (ECP) 7 areas are in Parcel A.

2. **Comment:** **Subparcel H-48-A is assigned an ECP overall Category of 7. This subparcel has been designated for Residential development under the HPS Phase 1 Development Area and Land Use Plan. Please document under the "asbestos or radiation" header of Table 5 that Building 821 is radiation impacted under MARSSIM guidelines. Additionally, the sanitary sewer system located along Crisp Avenue requires a radiological scoping survey. As such, the Navy cannot with certainty state, "the portion of the subparcel within the Parcel A boundary will not be impacted by the migration of hazardous substances in soil or groundwater from adjacent parcels."**

   Response: Subparcel H-48-A is assigned an ECP Category of 4 (see Table 4 of the FOST). The overall subparcel H-48 was assigned an ECP Category of 7; however, the ECP category of the overall parcel H-48 is not relevant to Parcel A and these overall ECP categorizations have been dropped to clarify the document. See response to DTSC comment 5 for further discussion.

   Building 821 is located in subparcel S-46-A. This subparcel was initially assigned an ECP category of 6 and is now assigned an ECP category of 1. As discussed in Section 5.1.3.2 of the FOST, Building 821 was designated as impacted in accordance with Multi-Agency Radiation Survey and Site

Investigation Manual (MARSSIM) guidelines. A radiological survey in June 2002 established that radiological material was not used or stored in the building and that contamination did not occur. The building has since been accepted for unconditional release by the California Department of Health Services. Table 4 of the FOST will be revised to indicate "R" under the asbestos or radiation column. In addition, a footnote will be added to the end of the table to read as follows: "R Radiation Impacted."

Section 2.0 of the FOST notes that the boundary for Parcel A has been revised to remove portions of Spear and Fisher Avenues, Buildings 813, 819 (Sewer Pump Station) and 823 and surrounding area. A survey has been recommended for the sanitary sewer main line along Fisher and Spear Avenues that flows into the pump station and the main line along Crisp Avenue that flows out of the pump station. The survey results will be discussed in the future Parcel D CERCLA documentation. Potential impact on the Parcel A property by migration of hazardous substances (and, specifically, radioactive substances in soil or groundwater) is low---as addressed in Section 5.1.5 of the FOST, second paragraph.

3. **Comment:** **Subparcel H-53 is assigned an ECP Category 4. It includes a sanitary sewer system with lines on Coleman and Innes Street and Jerrold Avenue flowing toward Donahue Street. Additionally, the storm sewer system line extends down Innes street and drains toward Parcel B with an Outfall near Berth 64. Herbicide contamination was documented in the sanitary sewer system. The Parcel A RI report verifies that no radiological scoping survey or sediment analysis was conducted at IR 59. Therefore, the Subparcel H-53 and its sewer lines must be included in the Basewide Impaction Radiological scoping survey.**

Additionally, Building 906 on subparcel H-53 was determined to harbor lead, hazardous materials and hazardous waste. Please document the projected use of Building 906 and clarify the statement, "no remedial action for lead-based paint is necessary on Parcel A." According to the Addendum to the EIR for HPS Phase I Demolition would remove most structures on Parcels A and B. "Soil removed would be retained and used for fill in other areas of Phase I, including the Hillside area. No import soil will be used." Thus, lead in soil from demolished lead contaminated buildings and foundations can bioaccumulate as a toxic hazard.

Response: During the Parcel A Site Inspection, organochlorine herbicides 2-(2-methyl-4-chlorophenoxy)-propionic acid (MCPP) and 4-chloro-2-methylphenoxy acetic acid (MCPA) were detected at concentrations ranging from 6,000 to 23,000 milligrams per kilogram (µg/kg) in the sanitary sewer system. However, the method used for the analyses, electron capture detection (ECD), is not sensitive to MCPP and MCPA,

and often results in a high reporting limit. Because of this and risk management concerns that it raises, a special gas chromatography/mass spectrometry (GC/MS) technique that applies selective ion monitoring (SIM) was performed on soil extracts from two samples with relatively high levels of MCPP and MCPA. Results under SIM technique did not confirm the results from ECD analyses, and the previous false positive results were attributed to matrix interferences. In addition, lower reporting limits for MCPP and MCPA of approximately 1,000 µg/kg were achieved (PRC 1993). Based on these facts, MCPP and MCPA results were considered as not detected in the Parcel A RI (HLA 1995). Parcel A site investigation further concluded that low concentrations of pesticides and herbicides in the sanitary sewer system have minimal potential for further transport of these compounds, and do not pose any significant health risks.

IR-59 designates the groundwater system in Parcel A, while IR-59 JAI refers to an area inside H53, about 150 feet northwest and downslope of SI-43. The Navy assumes that the comment is referring to IR-59 JAI by "IR-59" for this comment. The fact that no radiological scoping survey was conducted at IR-59 JAI does not support the comment's conclusion that such a survey must be done. Parcel A was not listed as impacted in the February 2004 "Draft Final Historical Radiological Assessment" because there is no reasonable potential that radioactive material was used, stored, or disposed at Parcel A. Final results of the radiological survey at Building 322, including the California Department of Health Services' evaluation for release for unrestricted use of the former building site, will be incorporated into the revised Draft Final FOST, Revision 3.

Demolition of all buildings on Parcel A is expected, and no use is projected for Building 906 prior to demolition. Further, deed covenant will prevent interim residential use of any building on Parcel A prior to demolition.

Contrary to the statement in the comment, the words "no remedial action for lead-based paint is necessary on Parcel A" are not included within the FOST. To the contrary, Section 5.3.2 contains restrictions based on known presence of LBP that prohibit interim use of structures for residential purposes—and require soil sampling and remediation after demolition prior to occupancy of newly constructed dwelling units. Removed soil will be screened against toxic characteristic leaching procedure (TCLP) criteria for lead concentrations, in accordance with 40 CFR Part 261.21. Soil exceeding the criteria for lead concentrations will be subject to disposal in accordance with applicable laws and regulations.

4. **Comment:** **Subparcels H-OS-A and H-OS-D are assigned an overall ECP Category 7. The sanitary sewer main located along Spear Avenue at the border of Parcel A and D requires a full radiological scoping survey. Thus, the Navy cannot state with certainty that the portion of this subparcel is safe and suitable for transfer as no ROD has been issued for Parcel D.**

Response: Subparcel H-OS-A is assigned an ECP Category of 4 (see Table 4 of the FOST). The overall subparcel H-OS was assigned an ECP Category of 7; however, the ECP category of the overall Parcel H-OS is not relevant to Parcel A, and these overall ECP categorizations have been dropped for clarification. See response to DTSC comment 5 for further discussion.

No additional radiological scoping surveys of Parcel A are necessary, as discussed in the response to the previous comment.

As described in Section 2.0 of the FOST, Revision 2 (and 3), the boundary of Parcel A was revised in 2004 to exclude the property containing the sanitary sewer main line along Fisher and Spear Avenues that flows into the Building 819 pump station, where scoping surveys are recommended in HRA. Therefore, HOS-A does not include the sanitary sewer main located along Spear Avenue. The ROD and FOST (Section 5.1.5) address the low potential for hazardous substances on adjacent parcels to affect Parcel A, and conclude that parcel is suitable for transfer.

5. **Comment:** **Subparcels N-1-A and N-1-B are assigned an overall ECP Category 6. The IR-18 site in Parcel B is radiation impacted under MARSSIM Guidelines and a source of radiation health hazard and documented gamma readings above background have been recorded here. This is proposed as one of three possible "community development" sites with intended uses including "health clinics". Please designate this as being radiation impacted under the Table 5 "asbestos or radiation" heading. Similarly, N-3-A and N-3-B are assigned an overall ECP category 6. IR-07 and IR-18 were used for disposal of sandblast waste from decontamination of Operation Crossroads ships and were later designated as a Triple A contamination site, according to the Draft Final HRA. The 1992 SCRS identified areas within IR-07 and IR-18 that contained soils that emitted elevated gamma count rates more than 1.5 times that of expected background. Soil samples contained approximately 5 pCi/g Radium 226. Elevated gamma count rates were attributed to G-RAm from sandblast waste from decontamination efforts under Operation Crossroads. The 1994 NAREL conducted radiometric analysis of IR-18 soil. Ra226 was postulated to be natural components of the mineralogy of monazite and zircon. Based on the mineralogy the soil appears to have been imported from another California location for use as fill at HPS. Black sandblast waste was found at an IR-07 excavation site during Parcel B Remedial activities.**

Response: As described in Section 2.0 of the FOST, Revision 2 (and 3), the boundary of Parcel A was revised in 2002 to completely exclude excavation areas in Parcel B and to include a buffer zone at least 20 feet wide between excavation areas and the boundary of Parcel A. Therefore, N1A does not include the areas impacted by potential contaminants in Parcel B and is suitable for transfer. Contaminants in Parcel B will be addressed separately in an amended Parcel B ROD and do not impact the transferability of Parcel A.

Subparcel N-1-A is assigned an ECP Category of 1 (see Table 4 of the FOST). The overall subparcel N-1 was assigned an ECP category of 6; however, the ECP category of the overall Parcel N-1 is not relevant to Parcel A, and these overall ECP categorizations have been dropped for clarification. Similarly, subparcel N-3-A is assigned an ECP category of 1 (see Table 4 of the FOST). The overall subparcel N-3 was assigned an ECP category of 6; however, the ECP category of the overall Parcel N-3 is not relevant to Parcel A, and these overall ECP categorizations have been dropped for clarification. See response to DTSC comment 5 for further discussion.

6. **Comment:** **N-17 A,B&C are designated ECP overall 7. The sanitary sewer main along Fisher Avenue at the Parcel A boundary with Parcel C requires a full radiological scoping survey. Similarly, Subparcel S-46 A, D & E contains the sanitary sewer system main located along Spear Avenue and Crisp Avenue and requires a radiological scoping survey.**

Response: As described in Section 2.0 of the FOST, Revision 2 (and 3), the boundary of Parcel A was revised in 2002 to completely exclude excavation areas in Parcel B and to include a buffer zone at least 20 feet wide between excavation areas and the boundary of Parcel A. In addition, the boundary has been changed to exclude the sanitary sewer system located along Spear and Crisp Avenue to allow further investigation to include a scoping survey as noted by the commentator. Therefore, N17A does not include the areas impacted by potential contaminants in Parcels B, C, D, and E, and is suitable for transfer.

Subparcel N-17-A is assigned an ECP Category of 2 (see Table 4 of the FOST). The overall subparcel N-1 was assigned an ECP category of 7; however, the ECP category of the overall Parcel N-17 is not relevant to Parcel A, and these overall ECP categorizations have been dropped for clarification. Similarly, subparcel S-46-A is assigned an ECP category of 1 (see Table 4 of the FOST). The overall subparcel S-46 was assigned an ECP category of 6; however, the ECP category of the overall Parcel S-46 is not relevant to Parcel A, and these overall ECP categorizations have been dropped for clarification. See response to DTSC comment 5 for further discussion.

7. **Comment:** **San Francisco Fire Department records and the Community Notification plan document a series of fires have occurred every year at HPS beginning as early as Spring through the late fall. They have occurred in areas as diverse as the Drydock regions, the Parcel E landfill, the Innes Avenue residential regions, the parking lot of Building 815 and in other areas on and around the base. The Navy has excused these fires as "set fires" and "brush fires". They are more likely kindled by the presence of "total oil and grease", petroleum products, volatile organic compounds and other flammable components such as PCB's and pesticides. Please describe current fire prevention, suppression activities at HPS and the need for a fire suppression unit within the landfill gas removal network.**

Response: The landfill gas extraction system operates at a very low flow rate to limit the migration of methane. Based on the methane concentrations in the landfill gas removal network, a "fire suppression unit" is not needed. The Navy maintains a fire station on HPS, exercises brush control, and investigates causes of all fires. Investigations have determined that most fires have originated off site. Further, investigations have uncovered no evidence of fires kindled by presence of compounds listed in the comment; rather, most fires appear to have been set deliberately or inadvertently.

8. **Comment:** **Please describe the exact status of radiation impacted buildings on or adjacent to Parcel A including building 322, 813 and 819. Also describe the status of community radiation impacted structures including the warehouses in the D series and the Islais Creek warehouses.**

Response: The two impacted buildings inside the currently defined Parcel A boundaries (816 and 821) have been surveyed and cleared for unrestricted use. Scoping surveys of six impacted buildings (813, 819, 142, 815, 820, and 830) in adjacent areas have been recommended. Remediation followed by a scoping survey has been recommended for one impacted building (810). For one impacted building (103), review and approval of the final status survey are required. Final results of the radiological survey at Building 322, including the California Department of Health Services' evaluation for release for unrestricted use of the former building site, will be incorporated into the revised Draft Final FOST, Revision 3. The warehouses in the D series and the Islais Creek warehouses are not located on Navy property and are not the subject of this FOST.

9. **Comment:** **Arc Ecology scientist Christine Shirley in a letter dated May 24, 2002 stated that Figure 2-1 of the Parcel A Remedial Investigation Report shows the 1935 shoreline extending past Crisp Avenue and under Buildings 816 and 808. The Navy should provide evidence in the FOST that the landfill debris does not, in fact, cross Crisp Avenue. Please respond to this in the FOST Revision 2 comments.**

Response: This comment is identical to the Arc Ecology comment that was addressed in 2002. Please see the response to Arc Ecology comment 5, (Attachment 3), dated May 24, 2002, concluding that that landfill debris does not likely extend into or across Crisp Avenue.

10. **Comment:** **Finally, Title VI of the Civil Rights Act of 1964 requires the City and County of San Francisco, the Redevelopment Agency and CAL/EPA and DTSC to identify and address any disproportionately high human health, socioeconomic, or environmental impacts of their programs, policies, and actions on inory or low-income populations. Please justify the use of specific Hunters Point ambient levels calculated at the 95th percentile of a normal population curve for toxic chemicals of specific concern on a Federal superfund site and the ROD's documentation of CPOC's in post-excavation soil exceeding PRG's and HPAL's.**

Response: Hunters Point ambient levels (HPAL) were calculated in 1995 as part of the RI. A human health risk assessment (HHRA) was prepared as part of the RI. The HHRA evaluated the risk under a commercial/industrial scenario and a residential scenario. Based on the results of the risk assessment, the Navy, EPA, and the California EPA concluded that Parcel A did not pose a significant threat to human health. The ROD was signed in November 1995. That samples exceeded the preliminary remediation goals (PRG) and the HPALs was not found to create an unacceptable risk, and this analysis was documented in the RI and the ROD.

The comment asks the Navy to justify use of HPALs in light of Title VI. The calculation of HPALs is based on regression plots generated using data sets in no way related to the human population. The April 11, 1995, "Calculation of Hunters Point Ambient Levels" (Appendix H to the RI) (PRC 1995) explains how the HPALs were calculated based on a statistical analysis. In 1990, the Navy began to develop background soil concentrations of metals in soil or ambient levels because naturally occurring metals were present in soil. The HPALs were to be used basewide. Use of ambient levels is consistent with the Navy's approach at other bases.

Use of the HPALs conforms with the requirements of Title VI. Title VI prohibits discrimination on the basis of race, color, or national origin. Executive Order 12898 requires federal agencies to achieve environmental justice by identifying and addressing disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. HPALs were used as part of the part of the risk assessment process to establish background concentrations. The risk assessment methodology does not discriminate on the basis of race, color, or national origin.

The risk evaluation formulated in the RI and documented in the ROD was in accordance with accepted methodology and was approved by EPA and the California EPA. The process was conducted in accordance with all CERCLA community participation requirements. The public had the opportunity to comment, the Navy responded to the comments, and the responsiveness summary is attached to the ROD.

As stated above, the fact that PRGs were exceeded does not specify an unacceptable risk, and the risk decision was not discriminatory. EPA has explained that PRGs are risk-based concentrations, derived from standardized equations combining exposure information assumptions with EPA toxicity data (http://www.epa.gov/region09/waste/sfund/prg/faq.htm). EPA considers them protective for humans (including sensitive groups) over a lifetime. However, PRGs do not always apply to a particular site and are calculated without site-specific information. PRGs are EPA guidelines, not legally enforceable cleanup standards.

EPA's website explains that chemical concentrations above the PRG would not automatically designate a site as contaminated or trigger a response action. However, exceeding a PRG suggests that further evaluation of potential risks that site contaminants may pose is appropriate. The Navy conducted a further evaluation (the human health risk assessment) that found no unacceptable risk at the site.

RESPONSES TO ARC ECOLOGY COMMENTS

1. **Comment:** **There are carcinogenic and non-carcinogenic health risks above EPA's acceptable levels at the majority of IR and SI sites on Parcel A largely due to elevated levels of metals in the soil. Arc Ecology believes strongly that risks from metals in soils at Parcel A should be disclosed in the Finding of Suitability to Transfer (FOST) to allow future owners of the property to make informed decisions about the use of the property. According to Section 6, the Notice of Hazardous Substances, "There are no known releases of hazardous substances at Parcel A at a quantity greater than or equal to the CERCLA reportable quantity" (page 24). While the data provided thus far has not clearly demonstrated that the high levels of metals are a result of Navy activity, the Navy, being fully aware of these risks, has a responsibility to disclose this information in order to fully protect the health of future workers and residents of Parcel A. Indeed, in the response to Arc Ecology's comments on the *Draft Parcel A Finding of Suitability to Transfer, Revision 2, Hunters Point Shipyard, San Francisco, California*, dated March 26, 2002, the Navy agreed to revise the FOST to include the residual risk at Parcel A that was previously presented in the RI and the ROD, however this has not been included. Additionally, an explanation of why the Navy believes they are not responsible for the cleanup of these contaminants under CERCLA should be included.**

   Attachment 1 shows the carcinogenic and non-carcinogenic health risks from metals at each of these sites, which have been calculated using both the 1995 and 2002 preliminary remediation goals from Region IX EPA. The risks calculated are for a residential scenario but do not include the risks from the consumption of homegrown produce.

   Response: The FOST revision 2 addressed residual risk, as was agreed in the response to Arc Ecology's prior comment. Please see Section 5.1.1, fourth paragraph.

   According to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), applicable or relevant and appropriate requirements (ARAR) were "frozen" when the ROD was signed (55 FR 8757). The NCP states as follows:

   "Once a ROD is signed and a remedy chosen, EPA will not reopen that decision unless the new or modified requirement calls into question the protectiveness of the selected remedy. EPA believes that it is necessary to 'freeze ARARs' when the ROD is signed rather than at initiation of remedial action because continually changing remedies to accommodate new or modified requirements would, as several commentors noted,

disrupt CERCLA cleanups, whether the remedy is in design, construction, or in remedial action."

In addition, because PRGs presented in the attachment to this responses to comments are not promulgated or enforceable standards, modification of PRGs after issuance of the ROD does not affect the finality of the chosen remedies.

2. **Comment:** **The Navy should disclose of the possibility of finding additional sandblast grit in the FOST and state that the Navy is responsible for remediating any additional sandblast grit discovered on Parcel A during redevelopment. During the site inspections and remedial investigation, contaminated sandblast grit was discovered under pipes at IR-59 and beneath two landscaped medians next to building 901 (SI 19). Both of these areas of sandblast grit were removed. However, a comprehensive survey for other areas of sandblast grit on Parcel A was not conducted. The use of sandblast grit as backfill and bedding material was not uncommon on military facilities. For this reason, it seems possible that sandblast grit will be found at other locations on Parcel A.**

Response: Section 5.1.1 has been modified to add the following new sentences between the fifth and sixth sentences: "Abrasive blast material (ABM) was discovered utilized as bedding material for a sanitary sewer main at IR-59 JAI. This ABM contained metals contamination, and the ABM and sewer sections were removed during the IR-59 JAI excavation. Possibly, additional ABM may have been used elsewhere in Parcel A as bedding material for piping; however, conducting an investigation to identify and remove all such ABM that may exist is not practical; therefore, possibility exists for discovery of additional ABM in the future." The Navy's responsibility for additional remedial actions is already described in Section 7.0, paragraph (B), which contains the covenant required by CERCLA. This covenant will be incorporated in the deed.

3. **Comment:** **It is unclear what the regulatory procedure will be for sites that were a part of Parcel A under the ROD that are now located within parcels for which no Record of Decision exists. As stated in Section 2, the boundary of Parcel A has changed several times since the Record of Decision (ROD) was signed in 1995. Please include an explanation of how these sites will be handled in the future under the CERCLA process.**

Response: Please refer to the response to DTSC comment 1.

4. **Comment:** **An explanation of how it was determined that the storm water and sewer system lines in Parcel A are not a part of the Radiological Affairs Support Office's (RASO) recommendation for a radiological survey should be included in the FOST. According to Section 2, the Historical Radiological Assessment (HRA) recommended a survey for the sanitary sewer main lines along Fisher and Spear Avenues that flow into the pump station and the main line along Crisp Avenue that flows out of the pump station (page 6). However, the recommendation in Section 8 of the draft final HRA for the sanitary sewer system and storm drain lines is less specific. It reads, "Scoping and Characterization Surveys of systems associated with NRDL sites or sites associated with radium use" (pages 8-218 – 8-222). There has been some concern raised by the community about the possibility for radiological contamination in the storm water and sewer system lines in Parcel A. To give greater assurance to the community, an explanation of how it was determined that the storm water and sewer system lines in Parcel A are not a part of RASO's recommendation should be included in the FOST. Preferably, an exemption letter from RASO for the lines that fall within the current Parcel A boundaries should be provided.**

Response: Conclusions outlined in the HRA are based on the process described therein. The HRA did not identify either the storm drains or the sanitary sewer lines in the current Parcel A because there is no reasonable potential that radioactive materials would be present. In addition, sewer lines on Parcel A flow by gravity off parcel toward Parcels B, C, D, and E; therefore, it is unlikely that sewer lines would serve as conduits for migration of contamination from radiation-impacted sites located within these adjacent parcels. The FOST's intent is not to provide detailed analysis and conclusions, but to rely on analyses and conclusions presented in other documents such as the HRA.

5. **Comment:** **It is unclear whether any sampling has been done within the subparcels that straddle two parcels to ensure that the neighboring areas do not impact them. As described in Section 5, six of the fifteen subparcels from the Environmental Baseline Survey lie either entirely or partially in Parcel A. We are concerned that there are potential data gaps along the parcel borders that divide the subparcels. In particular, we are concerned about subparcels N1A and N3A due to their proximity to IR-18 on Parcel B. IR-18 is a waste disposal area that has not been fully characterized. If the Navy does not feel there are data gaps in these subparcels, please provide adequate justification, such as previous data collected, location of relevant samples, etc.**

Response: The Navy split EBS parcels N1 and N3 in two, and assigned an ECP category of 1 to the portions that remain in Parcel A (N1A and N3A), because the lateral extent of the hazardous substance releases associated with IR-07 and IR-18 does not affect these parcels. This conclusion gains credibility from the fact that remedial actions in these IR sites in Parcel B proceeded in the direction of the Parcel A boundary until confirmation samples demonstrated no contamination existed above cleanup criteria (Point Paper, Response to Concern Raised by Dr. Ahimsa Sumchai, Technical Basis for Suitability for Transfer of Parcels N1A and N3A, Parcel A FOST).

6. **Comment:** **Difficulties with and weaknesses of the landfill gas control system should be disclosed in the FOST. In the summary of the landfill gas time-critical removal action, the document states, "Gas control has been primarily achieved by passive venting; however, active extraction is occasionally used to ensure that landfill gas does not migrate north of the barrier." (Section 5.1.5, page 17) This sentence is not entirely true. Active extraction has been necessary at times because LFG has been detected north of the barrier.**

Response: Section 5.1.5 Off-Parcel Issues, paragraph 7, second sentence, page 17 has been revised as follows:

"Gas control is achieved by passive or active venting; to remove landfill gas from the UCSF property; and to prevent further migration north of the barrier wall."

7. **Comment:** **It is important to note that the results of the Johnson and Ettinger modeling have not yet gained regulatory approval. Section 5.1.5 mentions that this modeling was used to evaluate risks to future residents from exposure to volatile organic compounds in indoor air along Crisp Avenue, however the results have not yet been approved.**

Response: Results of the vapor intrusion evaluation of VOCs detected in soil-gas samples collected along Crisp Avenue have been published in a final report submitted by the Navy to the regulatory agencies on December 23, 2003. Please refer to the document titled "Parcel E Nonstandard Data Gaps Investigation Landfill Gas Characterization. Hunters Point Shipyard, San Francisco, California," dated December 23, 2003. There is no requirement for regulatory approval of the risk assessments until a ROD is completed for Parcel E; however, the regulatory agencies are free to express any concerns they may have regarding adjacency issues affecting the Parcel A FOST. The regulatory agencies have not expressed concern about indoor air issues associated with the landfill affecting Parcel A.

8. **Comment:** **Please update the FOST to include the latest information about Building 322 before conveying the property.**

Response: Final results of the radiological survey at Building 322, including the California Department of Health Services' evaluation for release for unrestricted use of the former building site, will be incorporated into the revised Draft Final FOST, Revision 3.

Minor Comments

9. **Comment:** **Table 4, which shows the original and updated categorization of each subparcel, should provide the UST, asbestos, and radiation information for all listed buildings, IR sites, and SI sites that are not on Parcel A. As the table is currently laid out, only the sites in Parcel A are rated, giving the reader the impression that the adjacent off-parcel sites carry the same rating, which is often not the case. Please correct the table as necessary to avoid any confusion.**

Response: Table 4 has been revised to remove discussions of overall ECP categories and only include subparcels in Parcel A. Because subparcels outside of Parcel A are not relevant except for those discussed in Section 5.1.5, Off-Parcel Issues, they have been removed from Table 4. Also refer to DTSC comment 4.

10. **Comment:** **Section 5, ECP Area Type 4, page 10: "Soils containing the constituents listed in Table 6 were removed during a site investigation of site inspection (SI) site 19 that is wholly contained within Subparcel H-48A." It is SI 41 that is located within subparcel H-48A. A similar error was made in the discussion of subparcel H-OS, which lists SI 41 as being contained with the subparcel, when it should in fact list SI 19. Please correct the text as necessary.**

Response: Section 5.0, ECP Area Type 4, second paragraph, second sentence, page 10 has been changed as follows:

"Soils containing the constituents listed in Table 6 were removed during investigation by excavation during a site investigation of site inspection (SI) site 41 that is wholly contained within subparcel H-48A."

Section 5.0, ECP Area Type 4, third paragraph, second sentence, page 10 has been changed as follows:

"Soils containing the constituents listed in Table 6 were removed during investigation by excavation during a site investigation of site SI-19 that is wholly contained within subparcel H-OS."

REFERENCES

Harding Lawson Associates (HLA). 1990. "Preliminary Assessment, Other Areas/Utilities, Naval Station, Treasure Island, Hunters Point Annex, San Francisco, California." October 19.

PRC Environmental Management, Inc. (PRC). 1993. "Draft Final Parcel A Site Inspection Report, Naval Station Treasure Island, Hunters Point Annex, San Francisco, California." October 15.

Tetra Tech EM Inc (Tetra Tech). 1998. "Final Basewide Environmental Survey, Revision 01, Hunters Point Shipyard, San Francisco, California." Volume 1 of 2. September 4.

"Point Paper, Response to Concern Raised by Dr. Ahimsa Sumchai, Technical Basis for Suitability for Transfer of Parcels N1A and N3A, Parcel A FOST."